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rejection. Care has been taken to ensure that no new matter is added to the claims. The amendments to the claims are supported by the specification.

Present Invention

The present invention is an anchoring system for portable barricades or barriers, portable delineators, road bollards and the like. Specifically, conventional portable barricade or barrier that has an elongated board or plan, horizontally disposed on one elongated side edge thereof, supported at either end by a trestle or other support frame at a predetermined height above the ground. Applicant's invention has a V-shaped vessel with a cavity for receiving fluidic ballasting material, a vertical post that fits into the upper end of the vessel, with the upper end of the post having horizontally extending slots. The V-shaped vessel has a preformed raised central portion that is adapted to straddle the lower horizontal cross bar of a conventional portable barricade or barrier. Optionally, the upper end of the post can incorporate a warning light. The aim of the invention is to replace the need for using sand bags or concrete blocks to hold the barriers or barricades in place. A further aim is to provide an anchoring system that addresses the occupational health and safety issues that surround the traditional barricade or barrier systems, wherein the persons using the barricades or barriers are required to lift heavy sand bags or concrete blocks traditionally used to hold the portable barricades or barriers in place.

Office Action

Turning now to the Office Action in greater detail, the

paragraphing of the Examiner is adopted.

Paragraphs 1 & 2: §112

The Examiner rejected Claim 22 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner states that the phrase "optionally including" makes the claim vague. No

In response, Applicant amended Claim 22 as set out above.

Withdrawal of the rejection is requested.

Paragraph 3 and 4

The Examiner rejected Claims 14 and 15 under 35 U.S. C. §102(b) as being anticipated by Delmere, (U.S. Patent 4,986,694). The Examiner stated that Delamere discloses all of the features of Applicant's anchoring system. Applicant understands that an "anticipation" rejection requires that every element claimed be found in the references.

Applicant traverses the rejection.

In reviewing the Delamere reference, Applicant notes that it is a **marker for concrete barriers** as shown in Figure 4 of the reference. Additionally, Applicant supplies the Examiner with copies of concrete barriers distributed for sale by concrete manufacturers. Applicant states that persons in the habit of working with and around concrete barriers would not consider them portable, as implied by the Examiner in his comparison of the barriers referenced by Applicant versus the barriers referenced by Delamere. Generally, concrete barriers must be transported by cranes and forklifts. Persons working on road crews or construction consider a portable barrier or barricade

to be one that can be moved easily by a single person or two persons.

Applicant notes that the marker of Delamere has a bifurcated hollow body member that is capable of receiving a granular material to give the marker weight. Also, the design, general inverted "U" shaped, of the marker allows it to sit on top of the concrete barrier (column 3, lines 2-5).

Further, the Delamere invention is capable of receiving a vertical post of a sign or barricade light. Finally, it is noted that the Delamere marker is to help ensure that concrete markers are made visible to motorists on the roads because they tend to blend in with the surroundings during the day light hours.

Applicant's invention is not a marker, but **an anchor system** that includes a support base for much lighter weight barricades and barriers such as the "A" shaped barricade, the type II barricade, or the type III barricade as defined by the industry. There exists the problem of stabilizing these barricades during windy and gusty conditions, and against accidental movement. The support base is made of a rigid plastic or semi rigid plastic and has an inverted "V" shaped so to allow it to be securely placed over the lower horizontal cross bar of a portable "A" shaped barricade, type II barricade, or type III barricade. When the base of Applicant's system is in position, it adds the needed weight to stabilize the barricade and prevent windy or gusty conditions to move the barricade. Concrete barriers do not have this type of problem because of its predetermined weight.

The vertical post or bollard member 3 of Applicant's invention is much more than a light or sign. Delamere has a plug, which can support a light or sign. Applicant's post, when

coupled with the truncated inverted "V" shaped base 2, allows the anchor system to become a portable stanchion or bollard that is able to stand on a flat surface. Further, a plurality of Applicant's anchor systems, when used to support either a single or dual barrier board or the adjacent ends of overlapping ends of horizontally extended barrier board, can create a barrier or barricade. Additionally, the bottom, middle, and upper end of the post is adapted to receive a rope or chain (Figure 1; 8, 9, and 10).

Finally, every aspect of the Applicant's invention is not disclosed in Delamere. Specifically, Applicant's invention is a rigid or semi rigid base that has a truncated inverted V-shape that forms the raised central region that is adapted to straddle the lower horizontal cross bar of a portable barricade support frame or trestle cross-bar to prevent or to restrict the movement of the barricade.

Accordingly, withdrawal of the rejection is respectfully requested.

Paragraphs 5-7

Claims 16 and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Delamere in view of Beard (U.S. Patent 5,788,405); and Ingeborg (EP 176,973).

Delamere is discussed above, and Applicant's comments only apply to Beard '405 and Ingeborg. Beard '405 is a vertical high marker that has a flexible region and can be mounted on a low profile mounting base, which can be attached to various mounting bases for placement of the marker. Ingeborg is a bollard mount that has a post mounted to a base via a bayonet lock.

Applicant states that the amendment to Claim 14 places it in condition for allowance and as such, since Claims 16 and 17 are now dependent upon an allowable base claim, the claim should be allowed.

Withdrawal of the rejection is requested.

Paragraphs 8-11

The Examiner rejected Claims 18-25 under 35 U.S.C. §103(a) as being unpatentable over Delamere in view of Beard (U.S. patent 5, 788,405); Ingeborg (EP 176,973); Priesemuth (DE 3940007); and Vockins (GB 2,194,268).

Applicant notes that the rejection of Claim 18 is basically identical to the rejection of Claims 14-17 above, except as it relates to the light source and the slots. Further, Applicant notes that the Examiner is of the opinion that it would have been obvious for those persons in the art to combine Delamere and Beard to develop Applicant's invention.

Applicant traverses this rejection.

The Examiner is reminded that Applicant's invention is an anchor system and not merely a road marker. Both of the references are intended solely to be markers for persons to warn or direct them. The combination of the two references would not yield the anchor system of Applicant's invention. Applicant's invention, when used as a portable bollard or stanchion, is free standing, rigid and weighted to prevent easy movement. Persons in the art would merely consider the combination suggested by the Examiner to be a flexible marker that sat on top of a concrete barrier.

Applicant further notes that the Examiner stated that Delamere is made of semi rigid material. The Examiner is

directed to the fact that the Delamere marker must also be made of a deformable material. Specifically, unlike the anchor of Applicant's invention, the marker of Delamere must be essentially thin walled, hollow, and made of deformable plastic, so that it will flatten or distort out of the way when impacted by a vehicle (column 4, lines 1-5). Applicant's anchor is made of a much stronger plastic so that it can restrict the movement of the barricade being supported. Further, it is intended to contain a fluid ballasting material to reduce the likelihood of a solid ballast acting as a projectile when impacted by a vehicle.

Furthermore, the Examiner compares sitting on top of a barrier to straddling a cross bar. In order for an item to sit upon something and be stable, the thing must have a surface that will support a sitting object. The lower horizontal cross bar of a portable "A" shaped barricade, type II barricade, or type III barricade do not have a surface that will support a sitting object. The inverted "V" shape is necessary so that Applicant's anchor can merely straddle the cross bar while the base rests on the ground.

Applicant states that the Examiner overlooks the fact that Applicant's invention is not merely a marker even if this feature is partially claimed in Claim 18. Applicant's invention is an anchor support system that can be used as a marker.

Finally, it is well established that some motivation or suggestion must be provided in the reference in order for them to be combined to present a prima facie of obviousness, and it is respectfully submitted that no such motivation exists. The teachings of the two references suggest the opposite i.e. teaching away from the recited combination.


Claim 18 is amended.

Claims 19-25 are dependent upon an amended Claim 18, which is in condition for allowance, and as such, should be allowed.

Withdrawal of the rejection is respectfully requested.

All remaining and amended claims should be in condition for allowance. Early indication of allowability is respectfully requested. Should any minor points remain prior to issuance of a Notice of Allowance, the Examiner is requested to telephone the undersigned at the below listed telephone number.

Respectfully submitted,


MS Yaté K. Cutliff
Registration No. 40,577

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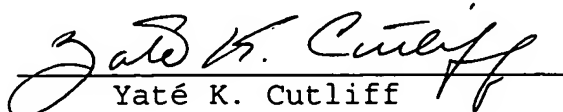
PENDORF & CUTLIFF
5111 Memorial Highway
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Dated: April 3, 2003

CERTIFICATE OF MAILING AND AUTHORIZATION TO CHARGE

I hereby certify that the foregoing AMENDMENT A and a stamped receipt postcard for U.S. Application No. 10/009,967 filed December 5, 2001, were deposited in first class U.S. mail, postage prepaid, addressed: Attn: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on April 3, 2003.

The Commissioner is hereby authorized to charge any additional fees, which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account No. 16-0877.


Yaté K. Cutliff

VERSION WITH MARKINGS TO SHOW CHANGES MADE HEREBY ATTACHED

The Examiner is requested to accept the marked-up version as it is based on the previous version, which when modified as below, produces the clean version submitted with the current amendment.

IN THE CLAIMS

Please amend Claims 14, 18, and 22 as follows:

14. (Amended) An anchoring system (for portable barricades) or barriers, such as "A" frame barrier and barrier boards, comprising a base portion having an outer housing of a rigid or semi-rigid material defining a cavity space therein adapted to contain a fluidic ballasting material, said base portion having a preformed raised central region adapted to straddle a lower horizontal cross bar [a part] of a portable barricade support frame or trestle cross-bar to prevent or to restrict relative movement of said support frame or trestle, said base portion having an upper surface with a cavity adapted to receive an upwardly vertically-extending post or bollard member, which is attached to said base portion at said cavity.

18. (Amended) A portable bollard or stanchion, comprising a base portion having an outer housing of a rigid or semi-rigid material, defining a cavity space therein adapted to contain a fluidic ballasting material, and an upwardly vertically extending post member attachable to said base portion, said post

having a bottom, middle and upper end adapted to receive a rope or chain, wherein said base portion has a raised central region adapted to straddle a lower horizontal cross bar [a part] of a portable barricade support frame or trestle cross-bar. } ? ,

22. (Amended) [.]A portable bollard or stanchion according to claim 21, wherein the light emitting means is a solar powered rechargeable light source, and optionally including photoelectric cells means for automatic on/off switching between day and night. } NO. X

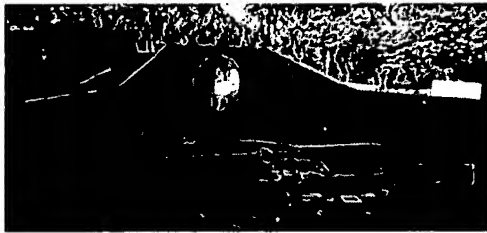
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Below are more structures McCann Concrete can manufacture. Please keep in mind, this list is not complete, because there are simply too many products available for production. If you have questions about one of the structures listed or a structure your project requires, please contact us and we will be glad to assist you.



An energy dissipator headwall with flared wing wall.



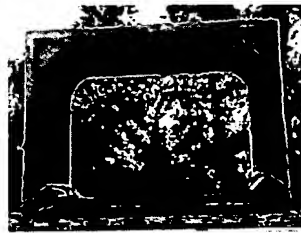
One piece of a multiple piece end section.



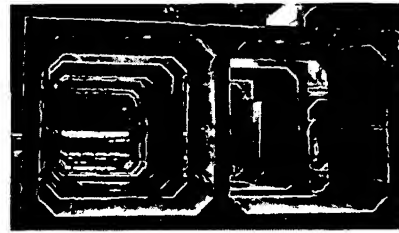
5-sided Junction Chamber



6x6 Box Culvert with wingwall



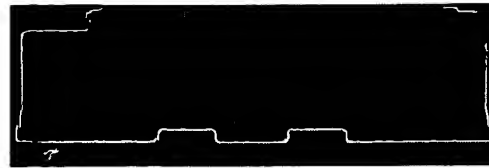
10x7 Box Culvert loaded on a truck



Double 6x6 Box Culvert



Missouri "F" Style Barrier



Illinois "F" Style Barrier

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- * Box Culverts ranging from 2' x 2' up to 12' x 12' / End Sections & Headwalls with or without Flared Wing walls / Box Culvert Extension



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Constant Slope (also called Single Slope) Concrete Safety Barrier, works great for aggregate storage areas or for use in segregating materials for re-cycling. Also available as a double sided sound absorptive barrier for rail and transit applications.



Double Sided Concrete Safety Barrier (available in 34" tall or 52" tall)

52" Tall Glare Screen - used to block view of headlights from vehicles traveling in the opposing direction

Architectural finishes can be applied to the flat surface of this shape, see examples below



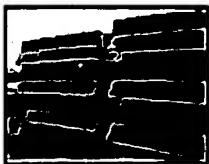
Single Sided Concrete Safety Barrier (34" tall or 52" tall)

Architectural finishes can be applied to the flat surface of this shape, similar to those shown below



Double Sided Concrete Safety Barrier

Other finishes available



Exposed Aggregate Concrete Safety Barrier

Other aggregates are available such as brown river stone and crushed limestone